

AMENDED AGENDA

AGENDA OF THE SPECIAL SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, TO BE HELD ON TUESDAY, FEBRUARY 12, 2019 AT 5:30 PM AT THE BISBEE SENIOR CENTER, 300 COLLINS ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY _____ AT _____.

ROLL CALL

COUNCIL

Councilmember Gabe Lindstrom, Ward III
Councilmember Joni Giacomino, Ward II
Councilmember Bill Higgins, Ward I
Mayor David M. Smith
Councilmember Leslie Johns, Ward I
Councilmember Joan Hansen, Ward II
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Robert Smith, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Daniel Duchon, Personnel Director
Dwayne Wallace, Operations Manager
Albert Echave, Police Chief
George Castillo, Fire Chief

CITY ATTORNEY

Britt Hanson

THE FOLLOWING ITEMS WILL BE DISCUSSED AND/OR CONSIDERED AT THIS MEETING:

1. Discussion and Possible Approval of an updated Visitor Center/ Tourism and Marketing Manager job classification.
Daniel Duchon, Personnel Director
2. **Discussion and Possible Acceptance of the Resignation and Severance Terms of Robert Smith as City Manager.**
Per ARS § 38-431.03(a)(1), the City Council may vote to go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.
David M. Smith, Mayor
3. **Discussion and Possible Approval for a Temporary City Manager Search.**
David M. Smith, Mayor

ADJOURNMENT

Individuals with hearing disabilities can contact the City Clerk's Office (520) 432-6012 to request an Assisted Listening Device, at least 24 hours before the meeting.

Anyone needing special accommodation to attend this meeting should contact Ashlee Coronado at (520) 432-6012 at least twenty-four hours before the meeting.

Public documents referred to herein may be viewed during regular business hours at the City Clerk's Office at 915 S. Tovreaville Road., Bisbee.

Pursuant to A.R.S. § 38-431.03(A) (3), the Council may vote to enter executive session at any point during this meeting for discussion or consultation for legal advice with its attorney(s), who may appear telephonically.



REQUEST FOR MAYOR & COUNCIL ACTION

Session of: February 12, 2019

X Special

DATE ACTION SUBMITTED: February 6, 2019

REGULAR **CONSENT**

TYPE OF ACTION:

RESOLUTION **ORDINANCE** **FORMAL ACTION** **OTHER**

SUBJECT: Discussion, public input and possible approval of an updated Visitor Center / Tourism and Marketing Manager job classification.

FROM: Daniel S. Duchon, Personnel Director

RECOMMENDATION: Approval

PROPOSED MOTION: I move to approve the job classification for Tourism and Marketing Manager, including removal of Visitor Center Manager job classification.

DISCUSSION:

To improve tourism and marketing, I recommend updating the Visitor Center Manager job description to a Tourism and Marketing Manager job description. Soliciting input from public and council members on new job description and direction to staff on tourism.

Recommend adjusting salary structure from band #38 (\$31,416 to 47,124) to band #47 (\$39,235 to 58,852).

FISCAL IMPACT: TBD based on hiring range

DEPARTMENT LINE ITEM ACCOUNT: 20-40-11000

BALANCE IN LINE ITEM IF APPROVED: TBD – Special Revenue – Bed Tax (20-40)

Prepared by:  Daniel S. Duchon, Pers. Dir.

Reviewed by:  Arshulie Coronado



Job Description

TITLE:	Tourism and Marketing Manager	JOB CODE:	
DEPARTMENT:	Community Development	FLSA:	Non-Exempt
SALARY RANGE:	\$39,235 - \$58,852	CLASSIFICATION:	Classified
PREPARED:	February 2018	UPDATED:	

Summary:

Under limited supervision, plans, coordinates, and implements marketing strategies to promote the area; reports on visitor/tourism activity; coordinates efforts with a variety of local, county and state organizations; manages the operation of the Visitor Center related activities;

Representative Job Duties: *The list that follows is not intended as a comprehensive list; it is intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed, and may be required to perform additional, position-specific tasks.*

- Encourages, develops, promotes and implements marketing strategies to attract potential tourist visitors to the Bisbee area; solicits the support of various groups, organizations and individuals to encourage their participation in tourism events, promotions and tie-ins.
- Engage with citizens, local business owners and organizations, and other stakeholders to evaluate, obtain feedback and facilitate tourism and marketing activities.
- Promotes tourism through marketing and advertising thought print media, audio/visual media, social media, websites and other marketing and advertising mediums.
- Conduct, or manage the procurement of, graphic design services for an array of advertising mediums.
- Establishes and maintains working relationships with local hospitality industry, local officials, media and regional and state tourism organizations.
- Coordinates filming activities to include permit intake and management. Serves as the primary point of contact for filming activities. Coordinates with other City departments to facilitate filming activities.
- Engage with local, regional, and national film commissions, agencies, and industries with information on City filming procedures, amenities and site locations within the area.
- Prepares regular reports to City Council and administration on visitor statistics, experience, trends and economic impact.
- Coordinates operations in the Visitor Center; schedules volunteers and staff; ensures the Visitor Center provides a high quality of service.
- Oversees visitor information on the website, brochures and various databases.
- Assists in tourism-related grant writing and administration.
- Schedule will include evenings, weekends, and holidays to meet needs of special events and filming activities.
- Staff liaison to boards and commissions as assigned.
- Performs other related duties as assigned.

Job Description

Tourism and Marketing Manager

Required Knowledge and Skills:

- High degree of knowledge of the travel industry.
- High degree of knowledge of the methods and techniques of marketing and advertising.
- Moderate degree of knowledge of the City's policies and procedures or equivalent knowledge of and experience in understanding and applying similar policies and procedures of another employer.
- High degree of or the ability to acquire knowledge of the City's geography, points of interest and history.
- High level of skill in a diverse set of marketing and advertising media (print media, social media, audio/visual media, etc...)
- Mid level skill in organizing and prioritizing work and maintaining accurate records.
- Mid level skill in providing a high level of customer service.
- High level skill in effective oral and written communication.
- High level of skill in establishing and maintaining effective working relationships with co-workers, other agencies, private tour businesses and the public.
- Mid level skill in the use of a personal computer, standard business software and internet functions.

Education, Experience, and Certifications:

- High school diploma or GED and three (3) years experience in tourism and/or marketing; bachelors degree in marketing, hospitality, or the equivalent field preferred; prior experience in the tourism and marketing industry is preferred; or equivalent combination of education and experience which provides the required knowledge, skills and abilities.
- State of Arizona class D driver's license.

Environmental Factors and Conditions/Physical Requirements:

- Work is performed in an office environment.
- Work may also be performed in City parks, local business, filming sites.
- May be required to lift up to 15 lbs. on an occasional basis.

Equipment and Tools Utilized:

- Equipment utilized includes computerized and conventional office equipment.

Approved by Mayor and Council on...



Job Description

TITLE:	Visitor Center Manager	JOB CODE:	1470
DEPARTMENT:	Community Development	FLSA:	Non-Exempt
SALARY RANGE:	\$31,416—\$47,124	CLASSIFICATION:	Classified
PREPARED:	October 2004	UPDATED:	January 2008

Summary: Under general supervision, manages and coordinates the activities and volunteers of the Bisbee Visitor Center; provides accurate and up-to-date information about attractions, events, amenities and the history of the City to tourists and visitors; responds to inquiries and promotes tourism. Conforms to standards set forth by the Arizona Office of Tourism.

Representative Job Duties: *The list that follows is not intended as a comprehensive list; it is intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed, and may be required to perform additional, position-specific tasks.*

- Provides accurate information to visitors, tour operators, travel operators and the media about tourism in Bisbee; provides information about special events, tourist attractions, amenities and lodging and restaurants; provides information on the historic district and the City's history; assists visitors with directions and in resolving problems they might encounter during their stay.
- Meets with visitors and provides assistance as necessary; responds to inquiries via e-mail, phone and mail to assist people in planning their trips.
- Staffs and coordinates staff operations in the Visitor Center; recruits volunteers and provides regular training to keep them informed of changes and upcoming events; schedules volunteers and staff to ensure seven-day-a-week coverage for the center; observes performance to ensure that the center provides a high quality of service.
- Updates information in the center on a daily basis; tracks inventory of brochures and other materials; orders new materials as necessary; secures, collects and accounts for money collected during center operations.
- Oversees updates of visitor information on the website, brochures and various data bases.
- Assists in tourism-related grant writing and administration.
- Prepares regular reports on visitor statistics; provides anecdotal information on visitor experiences, preferences and comments.
- Coordinates the ongoing maintenance and repair of the center and office equipment; ensures that the facility is clean and presentable for the public.
- Promotes tourism through marketing and advertising.
- Serves on various state-wide tourism-related councils and organizations.
- County and state film activities coordination.
- Staff liaison to boards and commissions as assigned.
- Performs other related duties as assigned.

Job Description

Visitor Center Manager

Required Knowledge and Skills:

- High degree of knowledge of the functions and operations of a visitor center.
- High degree of knowledge of the methods and techniques of promoting the City of Bisbee.
- Moderate degree of knowledge of the City's policies and procedures or equivalent knowledge of and experience in understanding and applying similar policies and procedures of another employer.
- High degree of or the ability to acquire knowledge of the City's geography, points of interest and history.
- High level of skill in recruiting, training and directing the work of volunteers.
- High level of skill in coordinating activities with a wide range of agencies and private service providers.
- Mid level skill in organizing and prioritizing work and maintaining accurate records.
- Skill in providing a high level of customer service.
- High level skill in effective oral and written communication.
- High level of skill in establishing and maintaining effective working relationships with co-workers, other agencies, private tour businesses and the public.
- Mid level skill in the use of a personal computer, standard business software and internet functions.

Education, Experience, and Certifications:

- High school diploma or GED and three (3) years experience in a service industry; prior experience in the tourism industry is preferred; or equivalent combination of education and experience which provides the required knowledge, skills and abilities.
- State of Arizona class D driver's license.

Environmental Factors and Conditions/Physical Requirements:

- Work is performed in an office environment.
- May be required to lift up to 15 lbs. on an occasional basis.

Equipment and Tools Utilized:

- Equipment utilized includes computerized and conventional office equipment.

Approved by Mayor and Council on May 6, 2008



REQUEST FOR MAYOR & COUNCIL ACTION

Session of: February 12, 2019

Regular Special

DATE ACTION SUBMITTED: February 11, 2019

REGULAR **CONSENT**

TYPE OF ACTION:

RESOLUTION **ORDINANCE** **FORMAL ACTION** **OTHER**

SUBJECT: DISCUSSION AND POSSIBLE ACCEPTANCE OF THE RESIGNATION AND SEVERANCE TERMS OF ROBERT SMITH AS CITY MANAGER

Per ARS § 38-431.03(a)(1), the City Council may vote to go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

FROM: David M. Smith, Mayor

RECOMMENDATION: To Accept the resignation and severance terms of Robert Smith as City Manager.

PROPOSED MOTION: I move to accept the offer of resignation of Robert Smith effective at 5:30 p.m. on February 14, 2019 on the terms and condition set forth in his letter offering his resignation dated February 8, 2019.

DISCUSSION:

Robert Smith provided a letter offering his resignation on February 8, 2019 to members of the Bisbee City Council. As a part of that letter, a proposed severance package that is in alignment with the City Charter was requested. Letter attached.


Per ARS § 38-431.03(a)(1), the City Council may vote to go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared by: 
David M. Smith, Mayor

Reviewed by: 
Ashlee Coronado,
City Clerk

2/8/19

Council –

It is my understanding that should Council proceed with Ms. Johns' request to terminate me, the first possible date to present a notice to terminate to the Council would be Feb. 19th. Given the Charter's requirement for at least 40 days notice before termination could be effective, the earliest date of termination would be March 31st.

To date, no Council member has spoken with me, nor to my knowledge, gathered facts from staff about whatever has precipitated Ms. John's proposal to terminate my employment.

I am confident that the work I have conducted with staff is of solid professional caliber, and will vigorously defend same in court if necessary. Failure to provide severance, or an attempt to cobble together termination for cause will result in litigation, which will be lengthy, far more costly than what I'm requesting, and will ultimately create additional legal fees for the City, with my expenses, fees, wages and damages compounding those expenses. Further, I don't think the additional drama and headlines would help anyone involved.

I offer a quick and fair alternative, and Council the opportunity to move on and select another manager for the position without additional conflict, drama and collateral damage to staff. I truly believe that the recent and forthcoming unintended consequences of Council's decisions up to and including my separation are going to be burdens that are not easily overcome. Ripples are already spreading through the administration. A lengthy, detailed public hearing refuting termination and focusing on performance, and/or litigation over an attempted termination for cause doesn't have to be part of Bisbee's future.

I respectfully request that Council accept my resignation, pay me a fair severance, and turn this corner, moving forward in a positive direction.

Pursuant to Mayor Smith's memo (2/6/19), and based on what I learned while participating in Council's executive session on 01/08/19 and public meeting on 02/05/19, I hereby tender my immediate resignation, conditioned on the following Agreement between me, Robert E. Smith, and the City of Bisbee, AZ (collectively referred to as the "Parties"):

AGREEMENT

1. Both Parties desire to amicably terminate their employment relationship and terminate the existing City Manager Employment Agreement through this Agreement, effective February 14, 2019.
2. Both Parties further desire to resolve any and all outstanding matters between them through this Agreement.

3. Smith's last date of employment with the City of Bisbee shall be February 14, 2019. On that date Smith shall surrender all City property related to City business, including but not limited to equipment, phones, computers, records, documents, electronic files, passwords and keys, to the City Personnel Director, Dan Duchon.
4. Smith shall receive 3 months of severance pay as prescribed in City Charter as severance pay for termination without cause. This will include all compensation, benefits, coverages, 457 contributions and retirements that Smith has regularly received under contract, including funds to defray full COBRA premiums for Smith's existing selected health care plan, and dental and vision premium coverages for 3 months. City shall make COBRA premium payments directly to the COBRA administrator unless otherwise directed by Smith.
 - a. Any pending, yet unpaid reimbursements to Smith, for expenses allowed under his employment agreement, City Code, Charter and Personnel Policy shall be paid within two (2) weeks of his termination date. (February 14, 2019)
 - b. Smith shall be allowed to cash out all Paid Time Off (PTO) and Extended Illness Bank (EIB) hours he has accrued and not used to date.
 - c. If Smith so chooses, he shall be allowed to directly receive funds for COBRA payments in a lump sum payment that also includes an amount to cover the tax liability such direct payment creates to Smith.
 - d. Smith shall be allowed to choose how he receives distribution of the severance pay – either a recurring period for payments or a lump sum payment, or combination of both.
 - e. Severance payments shall continue to completion under this Agreement to Smith or his spouse M. Morgan Smith, in the event of his disability or demise, and shall contain no offsets, mitigations or "clawbacks".
5. The City releases and forever discharges Smith from any and all claims of any kind, known and unknown, that are in any way related to events, acts, conduct or omission arising from Smith's working relationship with the City.
 - a. Provided, however, that the City is not releasing any claim that relates to: (1) Its right to enforce this Agreement; (2) any rights or claims that arise after the execution of this Agreement; or (3) any rights that it cannot lawfully release.
6. Smith Releases the City from any and all past and present causes of action, claims, rights and liabilities, known or unknown, statutory or common law, arising out of Smith's employment and/or separation from employment with the City.
 - a. By way of example only, and without limiting the immediately preceding paragraph, this release is applicable to any cause of action, right, claim or liability under the Age Discrimination in Employment Act, Title VII of the 1964 Civil Rights Act, Section 1981 of the 1866 Civil rights Act, the Equal Pay Act of 1963, the Americans with Disabilities Act, the Arizona Civil Rights Act, the Arizona Employment Protection Act and any other employment law or statute, or of wrongful discharge, breach of implied or express contract, breach of the covenant of good faith and fair dealing, intentional or negligent infliction of emotional distress, defamation and any other claim in contract or tort.



REQUEST FOR MAYOR & COUNCIL ACTION

Session of: February 12, 2019

Regular Special

DATE ACTION SUBMITTED: <u>February 11, 2019</u>	
REGULAR <input checked="" type="checkbox"/>	CONSENT <input type="checkbox"/>
TYPE OF ACTION:	
RESOLUTION <input type="checkbox"/>	ORDINANCE <input type="checkbox"/>
FORMAL ACTION <input checked="" type="checkbox"/>	OTHER <input type="checkbox"/>
SUBJECT: DISCUSSION AND POSSIBLE APPROVAL FOR A TEMPORARY CITY MANAGER SEARCH	

FROM: **David M. Smith, Mayor**

RECOMMENDATION: **Appoint Councilors Lindstrom, Giacomino and Johns to an ad-hoc search committee to provide a list of interested and qualified temporary City Manager Applicants.**

PROPOSED MOTION: **I move to approve the ad-hoc committee appointments of councilors Lindstrom, Giacomino and Johns for the purpose of identifying interested and qualified applicants as temporary City Manager.**

DISCUSSION:

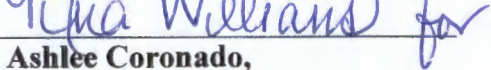
With the February 14, 2019 resignation date of our current city manager, a temporary city manager is necessary to assist with the administration of the city in his absence and until a permanent city manager may be hired.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared by: 
David M. Smith, Mayor

Reviewed by: 
Ashlee Coronado,
City Clerk